

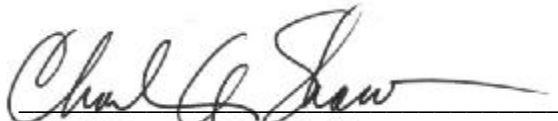
The Court notes that plaintiff's proposed amended complaint does not comply with Rule 10(a) of the Federal Rules of Civil Procedure because the caption does not include the name of each defendant. Rule 10(a) states in pertinent part, "In the complaint the title of the action shall include

the names of all the parties” Fed. R. Civ. P. 10(a). Because an amended complaint supersedes the original and renders the original complaint without legal effect, see In Home Health, Inc. v. Prudential Ins. Co., 101 F.3d 600, 603 (1996), the allegations of the original complaint may not supplement any deficiencies in the amended complaint. Therefore, plaintiff’s proposed amended complaint names only one defendant, Mr. Dwyer. The Court does not believe this was plaintiff’s intent.

The Court will therefore deny plaintiff leave to file the proposed amended complaint, without prejudice. Plaintiff may promptly submit a new motion for leave to file an amended complaint together with a proposed amended complaint attached that lists all of the parties to the case in the caption. The Court does not make a ruling at this time concerning whether, under the factors listed above, leave should be granted for the filing of plaintiff’s proposed amended complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for leave to amend his complaint is **DENIED without prejudice.** [Doc. 16]


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 28th day of July, 2006.